

REMARKS

The present remarks are in response to the First Non-Final Office Action dated April 6, 2007. In the Office Action, the Examiner rejected Claims 8, 13, 15, 16, 23 and 25-30 were rejected and objected to Claims 9-12, 14, and 17-22.

Claim 8 is amended. Accordingly, Claims 8-30 are currently pending and are believed to be in condition for allowance.

REJECTION OF CLAIMS UNDER 35 U.S.C. §102 (b)

In the First Office Action, Claims 8, 15, 16, 23, 25, and 28 were rejected under 35 USC §102(b) as being anticipated by Rivitz (U.S. Patent No. 1,543,723). The Applicant respectfully disagrees with the rejection of Claims 8, 15, 16, 23, 25, and 28 under 35 USC §102(b).

Claim 8 is presently amended. Claim 8 is amended to include the following language: “said ladder engaging part including upstanding projections which are engageable with the feet of said ladder so as to substantially prevent slippage thereof”.

The support for this claim language is located in the Specification at Paragraph [0022] which is recited below.

[0022] Various modifications may be made without departing from the scope of the invention. For instance the ground engaging part and/or ladder engaging part may take a different form and may have a differing number of projections. Different materials could be used in the construction of the various components of the apparatus 10.

Based upon the amendment to Claim 8, Claim 8 is not anticipated by Rivitz and is thus believed to be in condition for allowance. Claims 15, 16, 23, 25, and 28 depend from Claim 8. Since Claim 8 is believed to be in condition for allowance, Claims 15, 16, 23, 25, and 28 are also in condition for allowance. Accordingly, withdrawal of this rejection for Claims 8, 15, 16, 23, 25, and 28 is respectfully requested.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103 (a)

Claims 13, 26, 27, 29, and 30 are rejected under 35 U.S.C. §103 (a) as being unpatentable over Rivitz as applied to Claims 8, 15, 16, 23, 25, and 28. As discussed above, Rivitz does not disclose all the elements of independent Claim 8. Without Rivitz as a prior art reference, based upon the arguments above, Rivitz is not available as prior art for a obviousness rejection under 35 U.S.C. §103 (a).

Claims 13, 26, 27, 29, and 30 depend from Claim 8. Since Claim 8 is believed to be in condition for allowance, Claims 13, 26, 27, 29, and 30, without benefit of Rivitz as prior art, are also believed to be in condition for allowance. Accordingly, withdrawal of this rejection for Claims 13, 26, 27, 29, and 30 is respectfully requested.

CONCLUSION

Accordingly, claims 8-30 are believed to be in condition for allowance and the application ready for issue. Corresponding action is respectfully solicited.

The Director is authorized to charge any additional fees incurred as a result of the filing hereof or credit any overpayment to our Deposit Account Number 02-0900.

Respectfully submitted,

/daniel j. holmander/

Daniel J. Holmander, Esq.
Reg. No. 59,518

BARLOW, JOSEPHS & HOLMES, Ltd.
101 Dyer Street, 5th Floor
Providence, RI 02903
(401) 273-4446 (tel)
(401) 273-4447 (fax)
djh@barjos.com